

Appl. No. : 10/637,096  
Filed : August 8, 2003

### **REMARKS**

By way of summary, Claims 1-11 were originally filed with the application. By this amendment, Claims 1 and 11 are canceled without prejudice. The Applicant reserves the right to prosecute Claims 1 and 11 at a later date. Claims 2-9 are amended and no new claim is added. The Applicant respectfully requests reconsideration of the present application in view of the above amendments and the remarks presented below.

#### **Claim Objections**

Claims 1, 2, and 8 are objected to because of certain informalities. The Applicant has amended Claims 2 and 8 to correct the issues noted by the Examiner. While Claim 1 is canceled by this amendment, the Applicant has incorporated the changes suggested by the Examiner in claims which include the limitations of Claim 1. Accordingly, the Applicant respectfully requests the Examiner to withdraw this objection.

#### **Claim Rejections**

Claims 1-3, 7, 8 and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication 2004/0191981 to Yates et al. The Examiner also indicates that Claims 4, 5, 6, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this amendment, the Applicant has amended Claims 4, 5, 6, 9 and 10 to include all of the limitations of the base claim and any intervening claims. The Applicant has also amended Claims 2-3 and 7-8 so that they depend from Claim 4 as amended. As such, the Applicant respectfully submits that the pending claims are in condition for allowance.

#### **Reasons for Allowance**

The Applicant further submits that Examiner's statement of reasons for allowance should be modified as follows: The prior art taken alone or in combination neither discloses nor makes obvious the formation of a magnetic stack structure wherein the sense layer underlies the pinned layer in combination with the other elements recited in Claim 9, or the formation of the opening having a sloped or curved sidewall in combination with the other elements recited in Claims 4-6 and 10.

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**Conclusion**

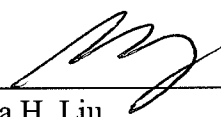
In view of the foregoing, the Applicant respectfully submits that all pending claims of the present application are in condition for allowance, and such action is earnestly solicited. Should there be any impediment to the prompt allowance of this application that could be resolved through a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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